

UNITED STATES DISTRICT COURT
DISTRICT OF MAINE

MATTHEW DUPLISEA,)	
)	
Plaintiff,)	
)	
v.)	2:22-cv-00317-JAW
)	
CITY OF BIDDEFORD, et al.,)	
)	
Defendants.)	

ORDER AFFIRMING RECOMMENDED DECISION

On October 18, 2022, Plaintiff Matthew Duplisea filed a five-count complaint against the City of Biddeford and City employees Alisha Keezer and Brian Dunphe. *Compl.* (ECF No. 1). Mr. Duplisea contends that he was unlawfully terminated from his job at the City's Recreation Department, that the City violated his substantive and procedural process rights guaranteed by the U.S. Constitution, and that the Defendants defamed and slandered him. *Id.* ¶¶ 66-88.

On January 3, 2023, the City filed a motion to dismiss Mr. Duplisea's constitutional claims (Counts I and II). *Def. City of Biddeford's Mot. to Dismiss Counts I and II of the Plaintiff's Compl.* (ECF No. 12). On January 31, 2023, Mr. Duplisea opposed the motion. *Pl.'s Opp'n to Def.' City of Biddeford's Mot. to Dismiss* (ECF No. 20). On February 14, 2023, the City filed a reply in support of its motion. *Def. City of Biddeford's Reply. Mem. of Law in Supp. of Mot. to Dismiss Counts I and II of the Pl.'s Compl.* (ECF No. 23).

On June 6, 2023, the Magistrate Judge issued a Recommended Decision, recommending that the Court dismiss Mr. Duplisea's constitutional claims with prejudice and decline to exercise jurisdiction over his remaining state law claims. *Recommended Decision to Dismiss* (ECF No. 24). Mr. Duplisea did not object to the Recommended Decision.

The Court reviewed and considered the Magistrate Judge's Recommended Decision, together with the entire record; the Court made a de novo determination of all matters adjudicated by the Magistrate Judge's Recommended Decision; and the Court concurs with the recommendations of the United States Magistrate Judge for the reasons set forth in her Recommended Decision, dismisses Counts I and II of Mr. Duplisea's complaint with prejudice, and dismisses Counts III-V without prejudice.

1. It is therefore ORDERED that the Recommended Decision of the Magistrate Judge (ECF No. 24) be and hereby is AFFIRMED.
2. It is further ORDERED that Counts I and II of Matthew Duplisea's Complaint (ECF No. 1) be and hereby are DISMISSED WITH PREJUDICE.
3. It is further ORDERED that Counts III-V of Matthew Duplisea's Complaint (ECF No. 1) be and hereby are DISMISSED WITHOUT PREJUDICE.

SO ORDERED.

/s/ John A. Woodcock, Jr.
JOHN A. WOODCOCK, JR.
UNITED STATES DISTRICT JUDGE

Dated this 17th day of July, 2023